

**Remarks**

Applicants respectfully request reconsideration of the present application in view of the above amendments and following remarks. Claims 1, 5 and 6 have been amended and claims 3 and 8 have been cancelled. No claims have been added. Therefore, claims 1, 2, 4-7, 10-12, 14 and 15 are pending in the present application.

Claim 1 has been amended to recite that the metal alloy is selected from the group consisting of Y-Ba-Cu, La-Sr-Co, La-Sr-Cr, La-Sr-V, La-Ca-Mn, La-Sr-Mn, La-Nd-Ni, Ti-V, Ti-W, Ti-Mo, Cr-Ta, Cr-Nb, Cr-Ti, Cr-Zr, Sr-V, Cu-Ti, Cu-Fe, Cu-Mn, Cu-Al, Cu-Si, Sn-Sb, Sn-In, Ni-Li, and combinations thereof. In light of this amendment of claim 1, claims 3 and 8 have been canceled.

Also claims 5 and 6 are each currently amended to recite that the lower limit of dopant is 1 atom percent, consistent with that recited in original claim 7.

Claims 1-8, 10-12, 14 and 15 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-22 and 18 of copending Application No. 11/039,579. Applicants submit herewith a terminal disclaimer and request that the double patenting rejection be withdrawn.

The disclosure has been objected to because of an incorrect serial number on page 1, line 9, of the instant specification. Applicants respectfully call the attention of the Examiner to the correction of the serial number, from "10/244,871" to "10/224,871" in the Preliminary Amendment mailed October 24, 2003. Thus, Applicants request that the objection be withdrawn.

Claims 1, 3, and 4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,671,226 to Komata et al. ("Komata"), U.S. Patent No. 5,441,670 to Shimamune et al. ("Shimamune"), or U.S. Patent No. 4,468,416 to Asano et al. ("Asano").

Also, claims 5-8 and 10-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Komata.

Also, claims 5-8, 10-12, and 14-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Shimamune or Asano.

None of the references of record teach or suggest a metal alloy in accordance with claim 1 that is selected from the group consisting of Y-Ba-Cu, La-Sr-Co, La-Sr-Cr, La-Sr-V, La-Ca-Mn, La-Sr-Mn, La-Nd-Ni, Ti-V, Ti-W, Ti-Mo, Cr-Ta, Cr-Nb, Cr-Ti, Cr-Zr, Sr-V, Cu-Ti, Cu-Fe, Cu-Mn, Cu-Al, Cu-Si, Sn-Sb, Sn-In, Ni-Li, and combinations thereof. While one or more of the cited references may disclose the use of an alloy including titanium (Ti), tantalum (Ta) or niobium (Nb), claim 1 has been amended to exclude alloys including these elements (i.e., titanium (Ti) with either tantalum (Ta) or niobium (Nb)). As such, Applicants respectfully request that the § 102(b) and § 103(a) rejections be withdrawn.

### **Conclusion**

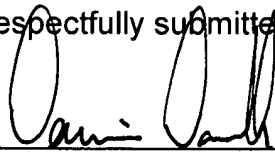
Claims 1, 2, 4-7, 10-12, 14 and 15 remain in this case. Applicants believe that these claims are in condition for allowance, and prompt allowance is respectfully requested. Should the Examiner feel that any unresolved issues

remain in this case, he is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge the \$130.00 fee for the terminal disclaimer, and any other fee that may have been overlooked, to Deposit Account No. 10-0223.

Respectfully submitted,

Dated: 1/4/07

  
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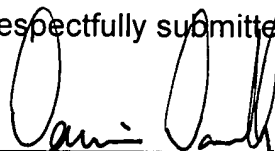
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